

**IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5306 of 2006

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Dated: February 27, 2007

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Between:

P. Lavanya, D/o. Sunil Kumar, aged about 19 years,
R/o. Quarter No.1, Type-III, Naarm Campus,
Rajendranagar – 500 030, Ranga Reddy District.

...Petitioner

And

The Principal, Chaitanya Bharathi Institute of
Technology, Hyderabad, and another.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to direct the respondents to allow the petitioner to sit for I and II semester examinations of III year Bachelor of Engineering (Computer Sciences) course.

2. Petitioner was admitted in the first respondent-college in 2003 and is pursuing the aforesaid course therein. She appeared for I year

examinations in April, 2004. Out of 13 subjects, she could pass only 10. There were three backlog subjects. Though she was promoted to I semester of II year, and wrote the examinations of that year, she could pass only 6 papers out of 8. In the II semester of II year, she could pass four papers out of 8. By the end of II semester of II year, she had 9 backlog subjects. The case of the petitioner is that she has applied for revaluation of her answer scripts and submitted representation to the respondents to permit her to attend classes of I semester of III year and she was permitted to attend classes. It is stated that she received communication from the respondents stating that revaluation has been done as requested by her and there is no change in the marks originally awarded. The grievance of the petitioner is that though she was allowed to attend classes of I semester of III year, she is not permitted to appear for examinations of I and II semesters of III year.

3. Heard learned counsel for the petitioner and learned Standing Counsel appearing on behalf of the respondents.

4. Respondent No.2 has filed counter affidavit stating that by the end of II semester of II year, petitioner had 9 backlog subjects. It is stated that as per the rules of promotion in Bachelor of Engineering course, a candidate who has more than eight backlogs in II year is not eligible to be promoted to III year and the University has not given permission to any candidate who was having 50% backlogs at the end of II semester of II year. It is further stated that if the petitioner was permitted to attend classes of III year, as alleged by her, it is not binding on the university as the same is not permissible under the academic regulations.

5. It is to be seen that as per the academic regulations framed by the university regarding promotion of candidates of Bachelor of

Engineering course to subsequent years, a candidate who has more than eight backlog subjects in II year is not eligible to be promoted to III year. Undisputedly, by the end of II semester of II year, petitioner was having 9 backlog subjects, i.e. more than 50%, which made her ineligible to be promoted to the next year. When that is the case, if petitioner was promoted to III year as alleged by her, the very promotion is in violation of the academic regulations. Hence, no direction as sought for can be given.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY.

February 27, 2007

MRR